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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,428	12/05/2000	Paul Lippens	CASM116373	8709
26389	7590	03/23/2004	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/673,428

Applicant(s)

LIPPENS ET AL.

Examiner

Catherine Simone

Art Unit

1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-18 and 33.Claim(s) withdrawn from consideration: 19-32.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

Response to Arguments

Applicant's arguments filed 2/26/04 have been fully considered but they are not persuasive. Applicants argue that "While Namikawa may disclose a soft-magnetic layer, the existence of the hard magnetic layer negates the presence of the soft-magnetic layer. The hard magnetic layer pins the soft-magnetic layer such that the soft-magnetic layer is aligned with the orientation of the hard magnetic layer and thus the soft-magnetic layer cannot be selectively magnetized and demagnetized. Also, by its nature, the hard magnetic layer in Namikawa also cannot be magnetized and demagnetized."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the soft magnetic layer being selectively magnetized and demagnetized) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants further argue that "In Namikawa, there is no disclosure that the magnetic properties of the soft-magnetic layer may be affected by the embossment. Further, in Namikawa there is no disclosure that the magnetic properties of the soft-magnetic layer may be examined for any purpose. Thus, Namikawa does not teach (1) that there might be any change in the magnetic properties of the soft-magnetic layer and (2) that these effects may be detectable externally of the security element. Namikawa therefore does not realize the benefit of the present

Art Unit: 1772

invention, namely, the changed properties of the soft-magnetic layer caused by embossment as a security feature. While the hard magnetic layer in Namikawa is ruptured to produce a stray field, which is detectable, Namikawa does not disclose that there is any change in the magnetic properties of the hard magnetic material per se. Further, the hard magnetic material cannot serve the other dual role of acting as a theft prevention system as discussed above.”

However, it is to be pointed out that Namikawa clearly teaches an embossed soft magnetic layer (Fig. 1, #5 and Fig. 11, M’; also see col. 3, lines 46-61) and an embossed layer (Fig. 1, #3’ and Fig. 11, M’). Due to the embossing of the soft magnetic layer in Namikawa, the magnetic properties of the soft magnetic layer will inherently be affected such that the effects are detectable externally of the security element (see col. 8, lines 33-45 and 57-62). Without any showing of evidence, Namikawa clearly teaches the present invention as claimed.

Applicants further argue that “The type of embossment involved in the optical diffraction is on a micro scale compared to the macro scale of Namikawa. It is this micro scale that is believed to produce the change in properties of the soft-magnetic layer. Namikawa does not teach embossment on a micro scale.” In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “embossment on a micro scale”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Applicants further argue that “the use of an optical diffraction effect is not taught or even remotely disclosed in Namikawa et al.” However, it is to be pointed out in

Art Unit: 1772

Namikawa et al. that there is an embossed layer having an embossed pattern of a particular shape (Fig. 10, E1 and E2) which creates a variation of the surface. Therefore, an optical diffraction effect will be produced when light hits the element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501.


The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Catherine Simone
Examiner
Art Unit 1772
March 15, 2004



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

3/15/04